

STATEMENT OF THE HONORABLE DALE MILFORD BEFORE THE
COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

JULY 20, 1976

MR. CHAIRMAN,

I SINCERELY APPRECIATE THIS COMMITTEE'S COURTESY
AND INTEREST IN ALLOWING ME TO TESTIFY IN THESE VERY
IMPORTANT HEARINGS.

AS A FORMER MEMBER OF THE SELECT COMMITTEE ON INTELLIGENCE, I AM VITALLY INTERESTED IN THE MATTER BEFORE YOU. THE "LEAKS" OF CLASSIFIED INFORMATION CAN BE VERY DAMAGING TO OUR NATIONAL SECURITY AND THIS NATION'S WELFARE. THE UNAUTHORIZED RELEASE OF THE ENTIRE CONFIDENTIAL REPORT, PRODUCED BY THE SELECT COMMITTEE ON INTELLIGENCE, LEAVES A CLOUD ON EACH MEMBER AND STAFF MEMBER OF THAT COMMITTEE. LIKE THE VAST MAJORITY OF MY COMMITTEE COLLEAGUES AND OUR RESPONSIBLE STAFF MEMBERS, WE WOULD LIKE THE GUILTY PARTY DISCOVERED SO THAT THE REST OF OUR NAMES MAY BE CLEARED.

IN ORDER TO SAVE THIS COMMITTEE'S TIME, I WOULD LIKE TO ONLY SUMMARIZE MY TESTIMONY IN THIS ORAL PRESENTATION. HOWEVER, I WOULD ASK UNANIMOUS CONSENT TO SUBMIT -- FOR THE RECORD -- SUPPORTING DOCUMENTATION AND PAPERS THAT WILL JUSTIFY AND CONFIRM THE SUMMARIES THAT I SHALL PRESENT IN ORAL TESTIMONY.

(PAUSE FOR THE CHAIRMAN'S RULING)

Mr. CHAIRMAN, I WOULD FURTHER REQUEST THAT I BE PERMITTED TO SUBMIT -- FOR THE RECORD -- ADDITIONAL ARGUMENTS, DOCUMENTATION, AND OPINIONS THAT WILL BE FORTHCOMING AT A LATER DATE.

(PAUSE FOR THE CHAIRMAN'S RULING)

Mr. CHAIRMAN, THE SPECIFIC ISSUE BEFORE THIS COMMITTEE IS: "WHAT MEMBER OR STAFF MEMBER OF THE HOUSE VIOLATED THE PROVISIONS OF H. RES. 982, HOUSE RULES OR THE COMMITTEE RULES ENACTED BY THE SELECT COMMITTEE ON INTELLIGENCE?"

I WOULD SUBMIT THAT THERE IS NO QUESTION IN THE MINDS OF EITHER THE AMERICAN PUBLIC OR THE GENERAL MEMBERSHIP OF THIS CONGRESS THAT HOUSE RULES AND/OR COMMITTEE RULES HAVE BEEN VIOLATED. AS TESTIMONY ALREADY RECEIVED BY THIS COMMITTEE CLEARLY SHOWS, CONFIDENTIAL INFORMATION RECEIVED IN EXECUTIVE SESSIONS HAS BEEN RELEASED, NATIONAL SECURITY INFORMATION HAS BEEN RELEASED, AND THE CONFIDENTIAL COMMITTEE REPORT OF THE SELECT COMMITTEE ON INTELLIGENCE HAS BEEN RELEASED -- ALL WITHOUT PROPER AUTHORIZATION.

FROM MY PERSONAL KNOWLEDGE, I DO NOT KNOW WHETHER THIS DATA WAS DELIBERATELY RELEASED THROUGH OVERT VIOLATIONS OF HOUSE RULES, OR WHETHER IT WAS DONE BECAUSE OF SLOPPY AND CARELESS COMMITTEE STAFF PROCEDURES. IN EITHER CASE, THE REAL CAUSE MUST BE DETERMINED, THE PERSON OR PERSONS RESPONSIBLE MUST BE IDENTIFIED, AND CORRECTIVE ACTION MUST BE TAKEN.

MR. CHAIRMAN, I DO NOT THINK THAT EITHER THIS COMMITTEE OR THE ENTIRE HOUSE CAN REALLY GET TO THE BOTTOM OF THE ISSUE BEFORE US WITHOUT FIRST HONESTLY AND SQUARELY FACING A HIGHLY SENSITIVE PERIPHERAL ISSUE THAT IS CLOUDING THIS INVESTIGATION.

WE ARE CONCERNED WITH FINDING OUT WHICH MEMBER OR STAFF MEMBER OF THIS HOUSE, VIOLATED HOUSE RULES IN THE EVENTS SURROUNDING THE UNAUTHORIZED RELEASE OF THE TEXT OF THE REPORT OF THE SELECT COMMITTEE ON INTELLIGENCE.

MR. DANIEL SCHORR, CBS NEWS REPORTER, HAS ADMITTED THAT HE OBTAINED A COPY OF THE HOUSE SELECT COMMITTEE ON INTELLIGENCE REPORT. AFTER BROADCASTING PORTIONS OF IT ON CBS NEWS, MR. SCHORR THEN ADMITTED CAUSING MAJOR SECTIONS OF THE REPORT TO BE PUBLISHED IN THE VILLAGE VOICE, A NEW YORK NEWSPAPER.

MR. CHAIRMAN, WE ARE NOT CONCERNED WITH WHAT MR. SCHORR DID WITH THE REPORT AFTER HE RECEIVED A COPY OF IT.

MR. SCHORR HAS VIOLATED NO LAW IN OBTAINING AND CAUSING THE REPORT TO BE PUBLISHED. AS FAR AS I CAN DETERMINE, HE OR ANY OTHER AMERICAN CITIZEN MAY SEEK OUT ANY REPORT OR DATA FROM THE HOUSE OF REPRESENTATIVES -- WHETHER CONFIDENTIAL OR NOT -- AND COULD PROMPTLY PUBLISH IT WITHOUT ANY TYPE OF VIOLATION.

CLEARLY THEN, THE ONLY LAW VIOLATIONS THAT WE SHOULD BE CONCERNED WITH WOULD BE THOSE COMMITTED BY MEMBERS OR STAFF MEMBERS OF THE HOUSE OF REPRESENTATIVES.

MR. CHAIRMAN, THE NEXT STEP FOR YOUR COMMITTEE TO TAKE APPEARS OBVIOUS. SINCE MR. SCHORR OBTAINED A COPY, HE MUST BE INVITED OR SUBPOENAED TO TESTIFY BEFORE YOUR COMMITTEE TO DETERMINE WHERE AND HOW HE OBTAINED THE REPORT.

IF MR. SCHORR ANSWERS THESE QUESTIONS, THE COMMITTEE WILL HAVE FINISHED ITS WORK AND CAN SO REPORT TO THE HOUSE.

EVEN IF HE DOES NOT ANSWER THE QUESTIONS, I DO NOT SEE HOW THIS COMMITTEE CAN REPORT BACK TO THE HOUSE WITHOUT HAVING ASKED THEM.

PERSONALLY, I WOULD LIKE TO SEE MR. SCHORR BROUGHT BEFORE THIS COMMITTEE BY INVITATION -- OR SUBPOENA, IF NECESSARY -- AND QUESTIONED ABOUT HIS KNOWLEDGE OF THE PERSON OR PERSONS RESPONSIBLE FOR THE VIOLATION OF HOUSE RULES THAT PLACED THE REPORT IN MR. SCHORR'S HANDS.

FROM THE HOMEWORK I'VE DONE -- AND I'LL ADMIT THAT I AM NOT A LAWYER -- I WOULD SUBMIT THAT MR. SCHORR WOULD HAVE TO ANSWER SUCH QUESTIONS.

UNDER TITLE 2; SECTION 192, OF THE UNITED STATES CODE (REFUSAL OF WITNESS TO TESTIFY), AND THE SUPREME COURT DECISION IN BRANZBURG V. HAYES ET AL, MR. SCHORR WOULD HAVE NO LEGAL RECOURSE BUT TO REPLY.

THAT, HOWEVER, IS A PERSONAL OPINION.

MR. CHAIRMAN, I AM NOT REAL SURE THAT YOUR COMMITTEE WILL HAVE A GREAT DEAL OF SUCCESS IN EITHER OBTAINING COOPERATION FROM MR. SCHORR OR IN DETERMINING THE "LEAKER" FROM OTHER SOURCES. HOWEVER, THERE IS ONE GREAT SERVICE THAT THIS COMMITTEE COULD RENDER THE ENTIRE HOUSE. THAT WOULD BE TO RECOMMEND CORRECTIONS TO THE BASIC FACTORS THAT PRESENT A SITUATION WHERE SECURITY LEAKS ARE POSSIBLE.

YOU HAVE HEARD ARGUMENTS ABOUT CONGRESS BEING A CO-EQUAL BRANCH. I JOIN CHAIRMAN PIKE IN BELIEVING THAT IT SHOULD BE. YOU HAVE HEARD ARGUMENTS THAT CONGRESS SHOULD SHARE AND MONITOR ALL INTELLIGENCE OPERATIONS AND HAVE ACCESS TO ALL SECURITY INFORMATION. AGAIN, I AGREE WITH CHAIRMAN PIKE IN BELIEVING THAT WE SHOULD. YOU HAVE HEARD ARGUMENTS THAT CONGRESS SHOULD BE ABLE TO DE-CLASSIFY SECURITY INFORMATION. I ALSO AGREE WITH THIS PROPOSITION.

HOWEVER, THERE ARE SEVERAL OTHER IMPORTANT FACTORS THAT MUST ALSO BE FACED ALONG WITH THESE CONGRESSIONAL POWERS. CONGRESS MUST ALSO BE RESPONSIBLE. CONGRESS MUST ESTABLISH RULES AND PROCEDURES THAT WILL PROTECT VITAL SECURITY INFORMATION. DECLASSIFICATION MUST ONLY BE DONE AFTER CAREFUL AND KNOWLEDGABLE CONSIDERATION -- THEN ONLY TO THWART ADMINISTRATION ABUSE OF OUR SECURITY LAWS.

UNDER PRESENT HOUSE RULES AND COMMITTEE STRUCTURES, IT IS VIRTUALLY IMPOSSIBLE FOR CONGRESS TO PROTECT RESPONSIBLY HIGHLY CLASSIFIED SECURITY INFORMATION. FOR EXAMPLE, HOUSE RULE XI, (2), (E), (2), CLEARLY GIVES ANY MEMBER OF CONGRESS THE UNDISPUTED RIGHT TO EXAMINE ANY FILE, IN ANY COMMITTEE IN THE HOUSE.

FURTHER, ABSOLUTELY NOTHING WOULD KEEP THAT MEMBER FROM EITHER LEAKING THE DATA OR SIMPLY WALKING TO THE FLOOR OF THE HOUSE AND READING THE INFORMATION TO THE WORLD.

LET'S TAKE INTELLIGENCE DATA AS ANOTHER EXAMPLE. INTELLIGENCE SECRETS ARE OUR MOST SENSITIVE GOVERNMENTAL MATTERS. THERE ARE SIX DIFFERENT COMMITTEES IN CONGRESS THAT HAVE JURISDICTION OVER INTELLIGENCE MATTERS. SEVERAL OTHER COMMITTEES WITH PERIPHERAL JURISDICTIONS, SUCH AS GOVERNMENT OPERATIONS, MAY ALSO BECOME INVOLVED WITH INTELLIGENCE ACTIVITIES.

THE ABILITY TO MAINTAIN A SECRET IS DIRECTLY PROPORTIONAL TO THE NUMBER OF PEOPLE WHO KNOW THAT SECRET. AS A PRACTICAL MATTER, UNDER PRESENT HOUSE RULES AND COMMITTEE STRUCTURES, CLASSIFIED DATA SIMPLY CANNOT BE PROTECTED.

IN ORDER TO CORRECT THIS SITUATION, I HAVE INTRODUCED H. RES. 1095. IT IS A MEASURE THAT WOULD AMEND SEVERAL HOUSE RULES IN ORDER TO PROTECT SECURITY DATA.

I WOULD FIRST RECOMMEND THAT RULE XI, (2), (E), (2) BE CHANGED. THE RULE SHOULD BE AMENDED TO PERMIT MEMBER ACCESS TO CLASSIFIED DATA ONLY ON A STRICT "NEED TO

KNOW" BASIS.

SECOND, I WOULD RECOMMEND THAT A PERMANENT INTELLIGENCE COMMITTEE BE ESTABLISHED AND THAT IT BE GIVEN JURISDICTION OVER ALL INTELLIGENCE MATTERS. THIS ACTION WOULD REDUCE THE NUMBER OF PEOPLE WHO WOULD HAVE POSSESSION OF OUR MOST SENSITIVE INFORMATION.

MY SECOND RECOMMENDATION WILL ONLY WORK IF THE COMMITTEE IS CAREFULLY SELECTED. EVERY MEMBER OF THAT PERMANENT INTELLIGENCE COMMITTEE MUST CLEARLY HOLD THE RESPECT AND CONFIDENCE OF A MAJORITY OF THE ENTIRE MEMBERSHIP OF THE HOUSE.

IN ADDITION TO THE "CONFIDENCE FACTOR", THERE ARE ALSO SOME IMPORTANT TECHNICAL FACTORS THAT MUST BE CONSIDERED IN THE COMMITTEE MAKE-UP. ALMOST EVERYONE, INCLUDING MANY MEMBERS OF CONGRESS THINK OF OUR INTELLIGENCE AGENCIES AS "JAMES BOND" OPERATIONS, FULL OF "SPIES" CONDUCTING "CLOAK AND DAGGER" ACTIVITIES ALL OVER THE WORLD.

IN REALITY, OUR INTELLIGENCE COMMUNITY PRESENTLY EMPLOYS MORE ECONOMISTS AND AGRICULTURISTS THAN THE TOTAL NUMBER OF "SPIES" THAT HAVE BEEN EMPLOYED THROUGHOUT OUR ENTIRE 200 YEAR HISTORY.

THEREFORE, THE PERSONAL AND TECHNICAL EXPERTISE OF THE INDIVIDUAL MEMBERS OF A PERMANENT INTELLIGENCE COMMITTEE IS EXTREMELY IMPORTANT. A BROAD SPECTRUM, ENCOMPASSING MANY DISCIPLINES, MUST BE UNDERSTOOD AND DEALT WITH BY THAT COMMITTEE.

FURTHER, THERE IS A VITAL NEED FOR A CROSS-POLLINATION OF INFORMATION BETWEEN THE PERMANENT INTELLIGENCE COMMITTEE AND OTHER COMMITTEES OF CONGRESS.

FOR EXAMPLE, THE ARMED SERVICES COMMITTEE AND THE INTERNATIONAL RELATIONS COMMITTEE MUST HAVE A CLOSE LIAISON WITH INTELLIGENCE ACTIVITIES.

THERE IS ALSO A LIMITED NEED TO KNOW ON THE PART OF THE GOVERNMENT OPERATIONS COMMITTEE, SCIENCE AND TECHNOLOGY, AGRICULTURE, JUDICIARY, BANKING AND CURRENCY, AND OTHERS.

BOTH THE "CROSS-POLLINATION" OF INFORMATION AND THE NEEDED TECHNICAL MAKE-UP CAN BE SOLVED IN THE SELECTION PROCESS OF MEMBERS TO SERVE ON THE PERMANENT INTELLIGENCE COMMITTEE.

I WOULD PROPOSE THAT IN LIEU OF THE USUAL COMMITTEE ON COMMITTEES SELECTION OF THE ELEVEN MEMBERS TO SERVE ON THIS COMMITTEE, IT BE SELECTED IN THE FOLLOWING MANNER:

- THE SPEAKER WOULD NOMINATE THE CHAIRMAN
- THE ARMED SERVICES COMMITTEE WOULD NOMINATE TWO MEMBERS
- THE COMMITTEE ON INTERNATIONAL RELATIONS WOULD NOMINATE TWO MEMBERS
- AND ONE MEMBER EACH WOULD BE NOMINATED BY SCIENCE AND TECHNOLOGY, BANKING AND CURRENCY, JUDICIARY, PUBLIC WORKS AND TRANSPORTATION, GOVERNMENT OPERATIONS, AND INTERSTATE AND FOREIGN COMMERCE.
- THE HOUSE LEADERSHIP WOULD DESIGNATE THE PARTY RATIO WITH NOT LESS THAN ONE-THIRD OF THE MEMBERS COMING FROM EACH MAJOR PARTY.

MR. CHAIRMAN, THERE IS ONE OTHER PROBLEM THAT MUST BE FACED. I HOPE THAT YOUR COMMITTEE WILL FACE IT AND MAKE RECOMMENDATIONS TO THE FULL HOUSE. AS CHAIRMAN PIKE POINTED OUT IN HIS TESTIMONY, HE AND OTHER MEMBERS OF THE SELECT COMMITTEE ON INTELLIGENCE WERE VERY CONCERNED ABOUT ADMINISTRATION AGENCY ABUSES OF OUR CLASSIFICATION SYSTEM.

FROM MY OWN KNOWLEDGE, I BELIEVE THAT OUR CLASSIFICATION SYSTEM IS OCCASIONALLY ABUSED. WE SAW EVIDENCE OF MISUSE OF THE SECRECY STAMP IN ORDER TO COVER UP ILLEGAL AND INEFFICIENT ACTIVITIES.

WHILE I AGREE WITH MY FORMER CHAIRMAN THAT OUR SECURITY SYSTEM IS SOMETIMES ABUSED, I DO NOT CONCUR WITH HIS RECOMMENDATION THAT CONGRESSIONAL COMMITTEES SHOULD HAVE THE POWER TO UNILATERALLY DECLASSIFY INFORMATION OVER ADMINISTRATION OBJECTIONS.

I DO BELIEVE THAT CONGRESS HAS -- AND SHOULD USE -- THE POWER TO OVERSEE INTELLIGENCE ACTIVITIES AND TO DECLASSIFY INFORMATION OR DATA THAT HAS BEEN IMPROPERLY CLASSIFIED. HOWEVER, THIS MUST BE DONE IN A VERY CAREFUL AND RESPONSIBLE MANNER.

TO SOLVE THIS PROBLEM, I HAVE PROPOSED IN H. RES. 1095 THAT A "LEADERSHIP COMMITTEE" BE FORMED, CONSISTING OF THE FOLLOWING: THE SPEAKER, THE MAJORITY AND MINORITY LEADERS, AND THE CHAIRMAN OR RANKING MAJORITY MEMBER OF THE COMMITTEES FROM WHICH THE INTELLIGENCE COMMITTEE MEMBERS ARE SELECTED (PARTY RATIOS TO BE APPROXIMATELY THE SAME AS ON THE INTELLIGENCE COMMITTEE).

UNDER PROPOSED HOUSE RULES CHANGES, NO MEMBER OR COMMITTEE COULD UNILATERALLY RELEASE CLASSIFIED DATA WITHOUT THE CONCURRENCE OF THE APPROPRIATE ADMINISTRATIVE AGENCY.

IF AN INDIVIDUAL MEMBER SHOULD POSSESS CLASSIFIED DATA THAT HE BELIEVED SHOULD BE MADE PUBLIC, HE WOULD BE REQUIRED TO APPEAR BEFORE THE APPROPRIATE COMMITTEE OF

JURISDICTION AND PRESENT HIS CASE. IF THE COMMITTEE OF JURISDICTION AND/OR THE RESPONSIBLE ADMINISTRATIVE AGENCY WOULD NOT AGREE TO MAKE THE DATA PUBLIC, THE INDIVIDUAL MEMBER OR THE COMMITTEE COULD APPEAL TO THE LEADERSHIP COMMITTEE FOR A HEARING.

THE LEADERSHIP COMMITTEE WOULD BE THE "COURT OF LAST RESORT" AND WOULD BE EMPOWERED TO DECLASSIFY INFORMATION. THIS SYSTEM WOULD SERVE AS A RESPONSIBLE CHECK AND BALANCE. AT THE SAME TIME, EVERY MEMBER OF CONGRESS WOULD HAVE A FORUM TO PRESENT HIS CASE WHEN HE BELIEVED CLASSIFICATION ABUSES HAD OCCURRED.

MR. CHAIRMAN, I SHALL INCLUDE IN THE RECORD MORE DETAILS ON THE PROPOSAL THAT I HAVE OFFERED ALONG WITH A COPY OF H. RES. 1095.

I WILL BE GLAD TO ANSWER ANY QUESTIONS THAT YOU OR YOUR COMMITTEE MIGHT HAVE.

H 2123

House of Representatives

A PROPOSAL FOR A PERMANENT INTELLIGENCE COMMITTEE AND FOR PROTECTING CONFIDENTIAL DATA WITHIN CONGRESS

(Mr. MILFORD asked and was given permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. MILFORD. Mr. Speaker, today I introduced House Resolution 1095, a resolution to establish a permanent House Committee on Intelligence and to protect the unauthorized release of confidential data and information within Congress.

Most people will agree that an efficient intelligence effort is vital to our national defense. Most will also agree that intelligence activity, by its very nature, is a highly secretive business. This Nation simply cannot publish its intelligence plans and activities in the daily newspaper. Furthermore, it is a well known fact that the ability to keep a secret is directly proportioned to the number of people who know the secret.

In past years, the general membership of Congress was content by allowing intelligence matters to be handled exclusively by a few key members on the Armed Services, Foreign Relations and Appropriations Committees. While every Member of Congress "technically" could gain access to any information in the classified files, this right was rarely pursued. Those Members of Congress who previously handled extremely sensitive matters usually had long years of service and considerable experience in dealing with intelligence matters.

Beginning in the 93d Congress, and accelerating rapidly in the 94th Congress, many reform measures were enacted that drastically altered past congressional practices. There emerged a new individual Member awareness, expanded Member participation in congressional processes and a diminishing of leadership controls and prerogatives. While these new reforms greatly increased individual Member participation in the political process, they also presented a new and grave problem in the maintenance of national secrets and the oversight of intelligence activities.

The new liberated Members of Congress were no longer content to let the "old bulls" exclusively handle intelligence matters. As the hearings conducted by both the Senate and House Intelligence Committees clearly show, detailed congressional oversight has been noticeably absent during past years. Even the few senior Members who handled intelligence matters never really had the time and staff resources to question the agencies or followed their activities to the extent needed.

The new freedom of the liberated Congress also presented some very serious problems for the nation concerning not only intelligence activities but also the maintenance of confidentiality of executive sessions. As stated earlier, security of secrets is directly proportional to the number of people that know the secret.

There are six committees in Congress that have jurisdiction over intelligence matters. Immediately, that means that 39 Members of Congress and over 100 staff members have access to the Nation's highest classified and most sensitive secrets.

In addition, rule XI(2)(e)(2) of the House Rules clearly gives any Member of Congress the right to examine any file, in any committee, in the Congress. Therefore, potentially, 411 more Members can have access to the Nation's most vital secrets.

This type of access, as a practical matter, makes it impossible for Congress to protect highly confidential or super sensitive information. Under article I, section 6 of the Constitution, any Member of Congress clearly has the right to say anything, his conscience dictates, on the floor of the House. This means that he can take the Nation's most closely held secret and read it to the world in a floor speech.

A small number of Congressmen have strong conscientious feelings against governmental secrets. They believe in a totally open society. They are strongly opposed to any form of intelligence gathering agencies. Furthermore, out of 535 Members of Congress, there exists wide and divergent opinions. What might seem extremely important to the majority can be extremely offensive to a small minority or to a single Member.

Obviously highly secretive intelligence matters and the confidentiality of executive sessions cannot be maintained unless the will of the majority is respected by all Members. One dissenter, with strong conscientious feelings, can blow the works for the entire Nation. This

greater exposure of intelligence secrets and individual Member access to executive session records increases the chances that data vital to national welfare will be revealed.

It is also no secret that a few Members of Congress have been guilty of "leaking" security information. The deliberate leaks are made for many reasons ranging from press favors and publicity to political motives and as a means of embarrassing the administration. Parenthetically, the administration also uses this despicable tactic to embarrass Congress.

By establishing a Permanent Select Committee on Intelligence and giving it exclusive oversight and legislative jurisdiction, Congress will make a quantum jump in responsibly protecting national secrets and maintaining firm control of intelligence activities. In the absence of strict secrecy, intelligence work is of negligible value.

THE PHILOSOPHICAL MAKEUP OF A PERMANENT INTELLIGENCE COMMITTEE

By overwhelming agreement, among both intelligence committees in the House and Senate, they concurred that Congress should have a Permanent Committee on Intelligence.

In order to successfully protect the vital national secrets that will be involved; in order to properly oversee the extremely sensitive national matters that will be involved; and in order to responsibly represent the will of the majority of the Congress; the selection of Members to serve on the Permanent Intelligence Committee must be made in an extraordinary manner.

From the outset, one fact is clearly evident and vitally necessary: "Every member of that Permanent Intelligence Committee must clearly hold the respect and confidence of a majority of the entire membership of Congress."

Of necessity, the general membership of the Congress is going to have to surrender some individual prerogatives and rights in order to succeed in creating an effective and responsible Permanent Intelligence Committee. Therefore, those committee members will be a select few that of necessity must garner the respect of the many.

There is another very important reason why the membership of this committee must be selected in a very special manner. In addition to the "confidence factor" there is also a very important "technical factor" involved.

Of necessity, this special committee must encompass a broad spectrum of knowledge. Members must have an expertise in military matters, foreign relations, business, science, space, agriculture, law, economics and transportation. Of supreme importance, all members of that committee must strictly abide by majority will.

It takes only one person to release a secret or reveal an intelligence plan. While individual members might have strong feelings against a particular situation, no one member should have the unilateral right to void the will of the majority of the committee or of Congress.

The present committees handling intelligence matters not only present a problem in securing confidential data but also present other difficulties. First, each committee tends to look at intelligence activities in the light of its particular field of expertise. For example, the Judiciary Committee would be very concerned about the legalities of activities, but would tend to give scant attention to military matters, economic matters, or agricultural intelligence. The Foreign Relations Committee would quite naturally be preoccupied with State Department matters, Armed Services Committee with military matters, et cetera.

In truth, and in fact, all of these fields of expertise are vital for good intelligence oversight and legislation. Only when these fields are viewed collectively can Congress formulate a balanced national intelligence policy.

Second, since—under the present system—any one of the six congressional committees can individually hold legislative or oversight hearings on intelligence matters, a balanced view is almost always lacking. The resultant legislative bill or oversight investigation will clearly be weighted toward the expertise of the committee holding the hearing.

THE FACTORS IN SELECTING COMMITTEE MEMBERS

If one were to ask a man on the street, or even most Members of Congress, to describe the functions of the CIA, an incorrect answer would most probably be forthcoming.

Almost everyone believes that the CIA is primarily a "James Bond" type of organization, or "cloak and dagger" agents that lead paramilitary operations in foreign countries, or "spies" that operate behind the Iron Curtain.

Very few citizens know that the CIA contains far more scientists than agents; that the CIA spends much more time analyzing foreign crop reports and economic conditions in foreign countries than they spend on clandestine or covert operations; and that the CIA has far more people now studying the industrial and technical capabilities of Iron Country nations than the total number of "spies" that have ever been employed by this Nation throughout its history.

In selecting a Permanent Committee on Intelligence, the "expertise" of the individual members will be very important. In the past, failures in congressional oversight can rationally be traced to this most important factor. Rarely will Members of Congress negligently fail to oversee their areas of responsibility. Apparent negligence usually develops because the Member or Members did not fully understand or recognize the technical matters involved and therefore did not fully realize the national impact.

Furthermore, Congressmen are political creatures. They react to the "now" feelings of people. They must. Otherwise, they cannot exist under the every-other-year election process. The real life situation faced by a Member of Congress is an antithesis of the problems that a member of a permanent intelligence committee must face.

Intelligence looks into the future. Good intelligence uncovers "tomorrow's head-

lines"—yet, the Member must keep them a secret, or seriously harm the national welfare. Good intelligence sometimes involves "taking chances," that can backfire and cause political repercussions. Good intelligence work means "staying out of the press and limelight," a blight to the existence of a Member of Congress.

Finally, the intelligence community of our Nation—unlike other Federal agencies—has no constituency. No high-priced lobby will be circulating on Capitol Hill, extolling the virtues of the intelligence community, or making campaign contributions on its behalf, or pushing its programs, or generating "grassroots support" back home in the Member's district. Intelligence is a necessary, sometimes nasty, and a secretive business that will neither help the Member in the House or in his district.

For these reasons, the selection and confirmation processes for Members that will serve on the Permanent Committee on Intelligence must be extraordinary. The individual Members must be sought after by the House. He must have a strong standing in his district because his service on the committee must be outside the limelight and in addition to other committee work. Most of all, the House membership, in general, must have firm confidence in the Members that are chosen to serve on the Permanent Committee on Intelligence.

TECHNICAL MAKEUP OF A PERMANENT COMMITTEE ON INTELLIGENCE

As mentioned earlier, this Nation's intelligence community is not primarily a "James Bond" organization. More appropriately, the community is a scientific, economic, agricultural, military and politically oriented—internationally—group. The intelligence community is just as concerned with the wheat crop in the Communist bloc nations as it is with their military weapons. The intelligence community considers the monetary policies and the economy of adversary nations to be of equal importance to their battle order. The political stability of an adversary nation can be more important than the total number of men under arms.

Therefore, the personal and technical expertise of the few members of a Permanent Intelligence Committee is very important. A broad spectrum, encompassing many disciplines must be understood and dealt with by the committee.

Furthermore, there is a vital need for a "cross-pollination" of information between the Permanent Intelligence Committee and other committees of Congress. Of primary necessity, the Armed Services Committee and the International Relations Committee need to have a close liaison with intelligence activities.

There is also a limited "need to know" on the part of the Government Operations Committee, Science and Technology, Agriculture Committee, Judiciary Committee, Banking and Currency, and others. Full access to all intelligence activities, on the part of these various committees, would jeopardize the security of information vital to the national welfare.

Both cross-pollination of information and proper technical makeup can be

solved in the selection process of the Permanent Committee on Intelligence. At the same time, the all important problem of discreet individual member selection can also be resolved.

In lieu of the usual Committee on Committees selection of members to serve on committees, it is suggested herein that the membership on the Permanent Intelligence Committee be selected in the following manner:

First. The Speaker would nominate the chairman;

Second. The Armed Services Committee would nominate two members;

Third. The International Committee would nominate two members;

Fourth. The Science and Technology would nominate one member;

Fifth. The Banking and Currency Committee would nominate one member;

Sixth. The Judiciary Committee would nominate one member;

Seventh. The Public Works and Transportation Committee would nominate one member;

Eight. The Government Operations Committee would nominate one member; and

Nine. The Interstate and Foreign Commerce Committee would nominate one member.

The House leadership would designate the party ratio, following the proposed rule that "not less than one-third of the membership of the Permanent Intelligence Committee shall consist of Members of the majority party and not less than one-third shall be Members of the minority party."

While not specifically mandated in the House Rules, it is envisioned that the various committees, designated to supply members of the Permanent Intelligence Committee, would make specific recommendations to the Committee on Committees for nominees from their respective committees.

Recommendations from the various source committees would insure a good cross-pollination of information and would assist in the selection of the unnecessary expertise needed on the Permanent Committee on Intelligence.

PROTECTION OF CLASSIFIED AND CONFIDENTIAL DATA WITHIN CONGRESS

At the beginning of the 94th Congress, the landmark "sunshine rules" made Members of this body virtual heroes. The subsequent flurry of "leaks," unauthorized disclosures and unilateral declassifications have made the Congress appear to be a collection of fools.

No argument is made here against the open meeting rules. They were necessary and the rule should stand as written. However, there are some matters within Congress that must remain confidential and the rules must be amended to accomplish this goal in a responsible manner.

There is a desperate need to restrict the flow of confidential information that is considered in executive sessions of committees. Premature or unauthorized release of data or information, discussed in executive sessions, is often damaging to the national welfare.

Many Members of Congress have a fear that some committees might abuse

the provision for executive sessions. Others will from time to time disagree with the need for keeping certain information confidential. A considerable number of Members, including this one, believe that Congress should be able to publicly release information that has been classified by the administration.

This resolution is designed to provide responsible means to protect individual Member interests and resolve the fears of all Members.

In this resolution, there is a strict prohibition against any Member releasing data or information that has been classified by executive committee session, or by administrative action.

Parenthetically, there is an "escape valve" or appeal procedure that is available to any Member who believes abuses of the executive session have been committed or information or data has been improperly classified by the administration. These procedures also clearly establish a method for Congress to declassify information that has been improperly given a secrecy stamp by the administration.

This resolution would establish a "Leadership Committee" consisting of the Speaker as chairman, the majority and minority leaders, majority and minority whips, plus the chairmen of the following committees: Armed Services, International Relations, Science and Technology, Banking, Currency and Housing, Public Works and Transportation, Judiciary, Government Operations and Interstate and Foreign Commerce. The Leadership Committee would serve as the "court of last resort."

While the new rule would strictly prohibit any Member from unilaterally releasing confidential data—under penalty of expulsion, responsible procedures are established to protect every Member's concern. Generally, Members worry about two possible abuses of the people's right to know: First, improper executive sessions in the Congress, and second, improper secrecy classifications by the administration.

If a Member feels that data or information is being withheld from the public as a result of an executive session, he would appeal the committee's decision by the following procedure:

First. The Member would transmit a confidential letter to the Speaker identifying the specific information or data that he believes should be released and ask for a hearing before the Leadership Committee.

Second. If the Speaker fails to call a hearing to consider the Member's request, the petitioning Member can then solicit assistance from individual members of the Leadership Committee. If three or more members of the Leadership Committee request a hearing, the Speaker must convene the Leadership Committee for a hearing on the matter.

Third. The Leadership Committee's decision will be final. If any Member feels that data or information has been improperly classified by the administration, he may obtain public release through the following procedure:

First. The Member would transmit a confidential letter to the chairman of the committee, having jurisdiction over the material or data, identifying the specific material or data to be released.

Second. If the chairman fails to call a hearing to consider the Member's request, the petitioning Member can solicit assistance from individual Members of the committee of jurisdiction. If three or more Members of the committee of jurisdiction request a hearing, the chairman must convene the committee for a hearing on the matter.

Third. During the hearing, the committee of jurisdiction must consult with the appropriate Administrative Agency and obtain views and recommendations concerning the need to keep the data or information classified.

Fourth. If either the agency or committee of jurisdiction objects to public release, the petitioning Member may then appeal to the Leadership Committee under the same provisions as listed above for appealing executive session matters.

These procedures will protect the confidentiality of those matters that should remain confidential within Congress. At the same time, the procedures establish a responsible means of making sure that the public's right to know is not jeopardized.

The irresponsible release of confidential or classified information, by individual Members, reflects negatively on the integrity and reputation of all Members of Congress. Adoption of these procedures will put a stop to that practice.

Mr. Speaker, so that all Members may know the exact wording of the resolution, the following is the text of the resolution:

H. Res. 1095

Resolved, That (a) clause 1 of Rule X of the Rules of the House of Representatives is amended by redesignating subclauses (j) through (v) as subclauses (k) through (w), respectively, and by inserting immediately after subclause (j) the following:

"(k) (1) Committee on Intelligence, to consist of eleven Members as follows:

"(A) two Members who are members of the Committee on Armed Services;

"(B) two Members who are members of the Committee on International Relations;

"(C) one Member who is a member of the Committee on Science and Technology;

"(D) one Member who is a member of the Committee on Banking, Currency and Housing;

"(E) one Member who is a member of the Committee on Public Works and Transportation;

"(F) one Member who is a member of the Committee on the Judiciary;

"(G) one Member who is a member of the Committee on Government Operations;

"(H) one Member who is a member of the Committee on Interstate and Foreign Commerce; and

"(I) one Member who shall be designated by the Speaker and who shall serve as chairman.

Members shall be selected for service on the basis of individual qualification and technical expertise. Not less than one-third of the membership of the committee shall be members of the majority party and not less than one-third shall be members of the minority party.

(2) Foreign and domestic intelligence activities of the United States."

(b) Rule XI of the Rules of the House of Representatives is amended by inserting at the end thereof the following:

"Release of Information From Committees of the House

"7. No Member, officer, or employee of the House of Representatives may release any classified material within the possession or control of any committee or executive session transcripts of the committee relating thereto except in accordance with the following procedures:

"(1) Three or more members of the committee transmit a letter to the committee requesting that certain classified material and related transcripts be made public.

"(2) (A) The committee, after permitting the head of the agency of the United States which has classified such material to present to the committee his comments concerning the making public of such material, adopts a committee resolution recommending that such material and related transcripts be made public, together with a statement of its reasons for the recommendation; or

"(B) If the committee fails to adopt or consider such a resolution within the thirty-day period commencing upon the date of transmittal of the letter under paragraph (1), any Member may present a written petition to the Special Leadership Committee established under clause 7 of this Rule, requesting that it make such material and related transcripts public.

"(3) Within three days after the adoption of a resolution under paragraph (2) (A) or the presentation of the written petition to the Special Leadership Committee under paragraph 2 (B), the committee shall transmit to the Special Leadership Committee, a copy of the classified material and related transcripts and a copy of any comments received from the agency which has classified such material.

"(4) The Special Leadership Committee, by a majority vote of its full membership, votes to permit such material and related transcripts to be made available to the public and directs the committee to do so.

"Special Leadership Committee

"8. (a) There is established a Special Leadership Committee consisting of the Speaker as chairman, the Majority Leader of the House of Representatives, the Minority Leader of the House of Representatives, the Majority Whip of the House of Representatives, the Minority Whip of the House of Representatives, the chairman of the Committee on Armed Services, the chairman of the Committee on International Relations, the chairman of the Committee on Science and Technology, the chairman of the Committee on Banking, Currency and Housing, the chairman of the Committee on Public Works and Transportation, the chairman of the Committee on the Judiciary, the chairman of the Committee on Government Operations, and the chairman of the Committee on Interstate and Foreign Commerce.

"(b) The Special Leadership Committee shall meet at the call of its chairman or any three of its members.

"(c) The function of the Special Leadership Committee shall be to consider requests made pursuant to clause 6 that classified material within the possession or control of any committee of the House and related executive session transcripts of the committee be made available to the public, and, when appropriate, by a majority vote of its full membership, to direct the committee to make certain classified materials and related transcripts available to the public."

(c) The Rules of the House of Representatives are amended by adding at the end thereof the following new Rule:

H 2126

"RULE XLV

"PUNISHMENT FOR RELEASING CERTAIN
CLASSIFIED MATERIALS

"1. Any Member who releases any classified material within the possession or control of any committee or executive session transcripts of the committee relating thereto other than in accordance with clause 7 of Rule XI shall be liable to expulsion by the House with the concurrence of two-thirds of its Members, or censure or such other punishment as the House may deem proper.

"2. Any officer or employee of the House who releases any classified material within the possession or control of any committee or executive session transcripts of the committee relating thereto other than in accordance with clause 7 of Rule XI shall be liable to censure or such other punishment as the House may deem proper."